

The Honorable James L. Robart

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF WASHINGTON

MONTY J. BOOTH, ATTORNEY AT LAW,
P.S., a Washington corporation, RICARDO T.
MASCARENAS, a Washington resident, and
CHRISTOPHER GREGORY, a Washington
resident, individually and on behalf of all
others similarly situated,

Plaintiffs,

vs.

APPSTACK, INC., a Delaware corporation;
STEVE ESPINOSA, individually; and JOHN
ZDANOWSKI, individually,

Defendants.

NO. 2:13-cv-01533-JLR

**DECLARATION OF ANNE COHEN IN
SUPPORT OF DEFENDANTS' MOTION
TO DECERTIFY BOTH WADAD CLASS
AND TCPA CLASS**

I, Anne Cohen, declare as follows:

1. I am an attorney at the law firm of Smith Freed & Eberhard P.C., counsel of record for Defendants Appstack, Inc. ("Appstack"), Steve Espinosa ("Espinosa"), and John Zdanowski ("Zdanowski") (collectively, "Defendants") in this matter. I am an attorney licensed to practice before this Court and am a member in good standing of the bars of the states of Oregon and Washington. I respectfully submit this declaration in support of Defendants' Motion to Decertify both WADAD Class and TCPA Class. Except as otherwise noted, I have personal

**DECLARATION OF ANNE COHEN IN
SUPPORT OF DEFENDANTS' MOTION TO
DECERTIFY BOTH WADAD CLASS AND
TCPA CLASS - Page 1**
CASE NO. 2:13-cv-01533-JLR

SMITH FREED & EBERHARD P.C.
111 S.W. Fifth Avenue, Suite 4300
Portland, Oregon 97204
Telephone: (503) 227-2424
Facsimile: (503) 227-2535

1 knowledge of the facts set forth in this declaration and could testify competently to them if called
2 upon to do so.

3 2. Attached hereto as **Exhibit 1** is a true and correct copy (in printed form) of the
4 excel spreadsheet that was marked as Ex. B to Plaintiffs' Subpoena to Onvoy, issued on
5 September 4, 2015.

6 I declare under the penalty of perjury under the laws of the State of Washington and the
7 United States of America that the foregoing is true and correct.

8 Executed at Portland, Oregon, this 26th day of April, 2016.

9
10 /s/ Anne Cohen
Anne Cohen, WSB# 41183

CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2016, I served **DECLARATION OF ANNE COHEN**
IN SUPPORT OF DEFENDANTS' MOTION TO DECERTIFY BOTH WADAD CLASS
AND TCPA CLASS and [PROPOSED] ORDER on:

Beth E. Terrell
Mary B. Reiten
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Co-Counsel for Plaintiff

_____ by mailing to each of the foregoing a copy thereof, placed in a sealed envelope addressed as listed above and deposited in the United States mail at Portland, Oregon, and that postage thereon was fully prepaid.

_____ by emailing to each of the foregoing a copy thereof, at the email addresses shown above.

XX by electronic means through the Court's Case Management/Electronic Case File system on the date set forth above.

Dated this 26th day of April, 2016.

SMITH FREED & EBERHARD, PC

By: /s/ Anne Cohen
Anne Cohen, WSB # 41183
Email: acohen@smithfreed.com
Of Attorneys for Defendants
Appstack, Inc., Steve Espinosa and
John Zdanowski